

July 28, 2010

MINUTES OF A REGULAR MEETING OF THE TORRANCE ETHICS AND INTEGRITY COMMITTEE

CALL TO ORDER

The Torrance Ethics and Integrity Committee convened in a regular session at 6:35 p.m. on Wednesday July 28, 2010, in the West Annex Commission Meeting Room, 3031 Torrance Boulevard.

ROLL CALL

Present: Committee Members Gottshall-Sayed, Matsuda, Payne and Chairman Montoya

Absent: None

Also Present: Staff Liaison to the Committee Lohnes, Deputy City Attorney Strader

FLAG SALUTE

The pledge of Allegiance was led by Member Matsuda.

ORAL COMMUNICATIONS #1

None

1. Report of the Staff on Posting of the Agenda

Staff Liaison to the Committee Lohnes verified that the meeting agenda was properly posted.

MOTION: Member Matsuda moved to accept the posting of the agenda; motion was seconded by Member Gottshall-Sayed. The motion passed by a roll call vote.

2. Discussion of Minutes for June 23, 2010 meeting

Staff Liaison Lohnes reported that as the recording secretary was unable to continue that meeting it would be difficult to have complete minutes from the June 23 meeting but that she would be able to construct a skeleton of action minutes

City Clerk Herbers stated that she would be able to work with Staff Liaison Lohnes to develop summary minutes if necessary.

Member Matsuda stated that she thought that the action minutes would suffice for the June 23 meeting.

In response to a question from Chairperson Montoya, Staff Liaison Lohnes stated that her action minutes included decisions the Committee had made, but perhaps not all of the rationale behind the decisions. She stated that she could expand on the follow up that she normally distributed by email after every meeting to include some of her notes and provide that version to the Committee.

In response to a question from Member Gottshall-Sayed, Staff Liaison Lohnes reported that items 6 and 8 from the June 23 meeting were tabled indefinitely.

The Committee concurred with the concept of approving action minutes, as produced by Staff Liaison Lohnes, to serve as the minutes for the June 23, 2010 meeting.

3. **Approval of Minutes: May 25, 2010**

Staff Liaison Lohnes stated that there had been some concern about the completeness of the minutes for May 25, especially the portion of the Mayor's comments. She suggested that since item 5 separately addressed the portion of the minutes in dispute, that the rest of the minutes could be discussed for approval.

In response to a question from Member Payne, Staff Liaison Lohnes explained that the approval of the minutes as written did not preclude consideration under item 5 of a verbatim transcription of a portion of the minutes.

MOTION: Member Gottshall moved for the approval of the Ethics and Integrity minutes of May 25, 2010 as written. The motion was seconded by Member Payne and passed by unanimous roll call vote.

Ayes:	Gottshall-Sayed, Matsuda, Payne and Chairman Montoya
Noes:	None
Abstain:	None
Absent:	None

4. **Discussion with City Clerk Regarding the Creation of an Ethics Package for Use in Campaigns**

City Clerk Herbers presented a report (written material of record) that outlined the duties and responsibilities of the City Clerk under the City Charter and per state regulations. She explained that portions of her job had ethics components: the maintenance of records of AB1234 training, conflict of interest filings, City of Torrance conflict code updates, election calendars, campaign finance documents, nomination papers and as found in election related statutes and activities.

City Clerk Herbers stated that it was her understanding from the Mayor's comments at the joint meeting of May 25 and from speaking to him after, that he was interested in providing classes for prospective candidates, similar to classes conducted in the past. She described the hour to two hour long orientations were dependent on the nature of the estimated size of the election and expected number of candidates and were either given for individuals on a one to one basis, larger classes with no issuance of official materials and larger classes for issuance of official nomination documents.

Information included at these meetings consisted:

- general city information;
- very basic information about the election process;
- FPPC Campaign Finance processes required before raising or spending money for an election campaign.

The depth of the meeting depended on the timing of the candidates interest in standing for election with more details given in the final issuance of papers by way of a detailed Election Manual prepared with updated information for each election. The material is carefully reviewed page by page with each candidate at the time the nominations open whether in a private meeting or class. Each candidate will be issued official nomination papers. All material including any ethics related material that is required to be returned

when nominations close is clearly called out. A table of contents that the candidate signs is as a receipt of the materials.

She reiterated that the City was required by state law to give each candidate a copy of the Code of Fair Campaign Practices, however, the candidates were not required to file the paper, but if they chose to file, it had to be at the same time that they filed their nomination papers.

In response to a question from Chairman Montoya, City Clerk Herbers clarified that not all employees were required to file a conflict of interest document, only those that meet any of the five different criteria in the adopted City of Torrance code were used to determine if an employee needed to file.

In response to a question from Chairman Montoya, City Clerk Herbers stated that the City Manager has asked all of his managers to take AB1234 training and that AB1234 training was required of all appointed and elected officials.

City Clerk Herbers stated that

- she encouraged entire campaign teams to attend sessions and to also take advantage of training classes on Campaign Finance recordkeeping provided by the Fair Political Practices Commission;
- she anticipated that the next election would not have many candidates, as of now; there would be only three seats open for council members;
- it might be too early to determine how many candidates would be interested in training and it might be necessary to wait until September or October of 2011 to determine the interest level;
- with the assistance of her Deputy City Clerk, that a new comprehensive election page had been published online this year that included information and forms to educate voters;
- clarified that any material not been included initially with the Election Manuals was provided to all candidates and added to future training binders;
- explained that the City Clerk's office assisted the League of Women Voters, American Association of University Women and the Torrance Council PTA; in sponsoring one citywide candidate forum by providing a space through her outreach budget, and assisted with coordination of publicity for TCTV taping of the forum and open mike statements, and distributing educational materials..

City Clerk Herbers also answered questions previously submitted by Member Payne. She agreed that informed voters were of the utmost importance in the support of campaign ethics, that the League of Women Voters, Institute for Local Government, and the California Ethics Project were influential organizations in California that emphasized campaign ethics and good government.

City Clerk explained that at the core of the City Clerk profession was the impartiality of the office and that the unbiased nature of the job was unique in government. She stated that her membership in the California Ethics Project would allow her access to resources that she would make available to the Committee.

In response to a question from Member Gottshall-Sayed, City Clerk Herbers stated that while she did not attend fundraisers or donate to any candidate during a campaign, she could not impose a ban on her staff to do the same, although she did suggest it. She added that any contribution above \$99 must be publicly disclosed in campaign filing documents.

In response to a questions by the committee the City Clerk

- stated that, by law, she was required to give a copy of the Code of Fair Campaign Practices to each candidate, but that the candidates were not required to sign or return the form, nor was she required to inform the other candidates if some were not following the code.
- stated that the booklet “Win the Right Way” was given without cost to any candidate and that the book could not be put on disk as it was copyrighted material;
- stated that the “Commitment for Integrity” had been adopted by City Council by resolution and she thought that it addressed what the Mayor and City Council had intended and did not require revision;
- stated that there were no major issues that still needed to be part of the information that was currently included in the candidate’s training binder and manual. She stated that she was required to hand out the Code of Fair Political Practices, but that she also gave the candidates much more than the required information.

City Clerk Herbers indicated that she would be pleased to work with the Committee in promoting good ethics in the City election campaigns.

Member Payne noted that the informed voter was very important in the election circle and that voter training would potentially yield ethical candidates, which would yield ethical electees and ethical appointees.

Regarding training classes the City Clerk suggested

- that a one hour interest class for potential candidates would have to be held prior to filing, but there was a limit on how many classes her staff would be able to conduct;
- that there may be other organizations to work with such as the league of Women Voters of Torrance Area to co-sponsor general interest classes;

She clarified that currently she and her staff offered two types of classes: a general interest class for prospective candidates and the class at which the nomination papers were issued and filing instructions were detailed.

In response to a question from Member Matsuda, City Clerk Herbers recommended the best times to hold an interest class would be in the spring before graduation times or in the fall, after school had started, but not after the filing date.

Member Matsuda stated her concern that one on one session with potential candidates might not offer equal information and could lack the transparency that an open forum for all candidates could offer.

City Clerk Herbers stated that she was willing to hold a class on the first day that nominations opened that would include a review of the entire Election Manual for all candidates. She noted that this class would be in addition to the general interest class, which should be done at a separate time.

In response to a question from Member Gottshall-Sayed, City Clerk Herbers stated that in order for someone to be a candidate, they must first be issued the nomination papers from the City Clerk’s office, then collect the required signatures and return the paper to the City within the required time period.

In response to a question from Member Montoya, City Clerk Herbers stated that there were ethics components in both training classes, but that those could be added to,

perhaps by other organizations, however, the City cannot compel candidates to be ethical and could only try to educate candidates by offering them the information.

Member Payne voiced his opinion that open classes could prove useful because the public would be able to attend and listen to the information. He stated that he thought that regular brainstorming sessions with the City Clerk would be part of an effective working relationship for the Committee.

City Clerk Herbers noted that many voters now vote early by mail and may miss out on any campaign or candidate information that was available after they mailed in the ballot. She indicated that she provided information to candidates and the public by way of an Election Calendar of the earliest date that mail in ballots could be returned.

Dee Hardison, Torrance, commended the City Clerk for the outstanding job she had done regarding the legal requirements of an election and for taking on, in addition, the ethical concerns.

Ms. Hardison stated that she thought that the Mayor and the City Council was looking for the Committee to take a leadership role and conduct a class for candidates. In addition to the class for candidates, Ms. Hardison suggested that the Committee could develop and present an "informed voter" speaking packet, before groups such as Homeowner's Associations and the Chamber of Commerce. She noted that the class for candidates and the informed voter packet could contain very similar information, with only slightly different approaches, and that the informed voter packet could be presented before a campaign had even begun.

She noted that the candidates cannot be required to sign ethical statements, but could be encouraged to sign.

Ms Hardison stated that she agreed with City Clerk Herbers that September was a good time to conduct the class.

In response to a question from Member Matsuda, Ms. Hardison stated that the Committee could assume a leadership role by presenting classes for candidates and the informed voter, by either conducting the classes themselves or facilitating the program for other groups. She added that in the fall before the next election might be a good time to introduce the program, as the number of candidates might be limited, due to incumbents.

Ms Hardison noted that the classes could be combined with the City Clerk's classes, but Ms. Hardison stated that the ethics component might be too much information to add to the already required legal information for candidates' classes.

Ms. Hardison stated that she had not attended the CORE integrity class for city employees, but thought that the manner in which the City dealt with issues of ethics for City employees would be different than dealing with candidates' issues.

Ms Hardison encouraged the Committee to go forward with their ethics package.

Don Clunch, Torrance, asked if the Committee could bring the Code of Ethics for Elected and Appointed Officials before the City Council and require candidates to adopt and sign it

Deputy City Attorney Strader stated that it was not legal to require candidates to sign the code, that the City could only make the statement available to them and ask them to sign it.

In response to a question from Mr. Clounch, Member Gottshall-Sayed stated that as a result of the development of the Code of Ethics for Elected and Appointed Officials by the Blue Ribbon Committee, the fact that a candidate had not signed the code or had violated the code, could be brought forward at a public forum. Member Gottshall-Sayed stated that there were no requirements to sign the code or consequences for not complying with the code, except that the candidate could be questioned about the fact before the public.

In response to a question from Member Matsuda, City Clerk Herbers stated that she thought the League of Women Voters would be a better partner for a candidate interest class than a "Final Word" forum because the League could then share their "smart voter" information.

Ms. Hardison stated that both the number of candidates and number of mail in ballots would determine the value of a "Final Word" forum and reminded the Committee that it was important to the value of the Committee that they retain ownership of the programs that they develop.

Staff Liaison Lohnes noted that all the candidates in the last election had received the code in their packets, had voluntarily signed it and the information had been shared at an earlier Committee meeting and posted online.

Mr. Clounch suggested that the candidate information posted online could also be printed in the Daily Breeze.

The Committee concurred to consider item 6 before item 5.

6. **Discuss and Consider the Next Steps to be Taken to Implement the Direction Given at the May 25th Joint Meeting of the City Council and the Ethics and Integrity Committee**

Member Gottshall-Sayed stated that what she had in mind to develop a package for candidates was a complete review of everything that the City Clerk gave to candidates, any documents that the candidate was required to sign, as well as any proposed new documents for the candidates.

In response to a question from Member Gottshall-Sayed, Deputy City Attorney Strader stated that there would be a problem if the City were to say that candidates refused to sign a document.

City Clerk Herbers stated that if she posted a candidate's document information online she would state that the document had been declined or not returned. She stated that by law the Code of Fair Campaign Practices had to be signed and returned on the same day as the rest of the candidate's statement and documents; it could not be turned in after. She added that currently, the Torrance ethics documents didn't have the same time requirements, but that the Committee and the City Council could develop a timeline.

In response to a questions City Clerk Herbers

- clarified that the candidate needed to return the Code of Fair Campaign Practices statement on the same day as their rest of their candidate paperwork and once the paperwork was turned in it was considered filed. She added that the paperwork was made public after the close of nominations.
- that the candidate could still run whether or not they signed and returned the Code form, but that the fact that they did not return the form could be noted. She noted that the candidate was given every opportunity to sign the form.

- that there were parts of the Elections Code that the candidates needed to follow. She added that she had a check list that she gave to the candidates so that they knew exactly what they needed to do with the forms they received: **(required)** nomination petition form, ballot designation worksheet, transliteration worksheet, candidate statement form with policy, and Form 700, **(optional)** candidate biography and Code of Fair Campaign Practices.

Member Gottshall-Sayed shared her view that the Committee should review the information in the Election Manual and return to the next meeting with ideas on ways to improve the information, based on both the Blue Ribbon Committee's suggestions and the documents that City Clerk Herbers provided to the Committee.

RECESS AND RECONVENE

At 8:39 p.m., there was a recess until 8:51 p.m., when discussion of Agenda Item No. 6 continued with all Members present.

Member Payne stated that he felt that the Committee, beginning at the next meeting, should develop the agenda necessary to formulate the ethics package and should begin with the task of educating of the voters. He stated that there was sufficient material available to use.

Member Matsuda agreed that the Committee should use the Mayor's item 1 of the summary from the joint meeting as a basis to formulate the agenda for the next meeting. She stated that the items needed for the package for item 1 should be fairly simple to develop, as the Code of Fair Campaign Practices and the Commitment to Integrity, as developed by the Blue Ribbon Committee, were already well written codes and could be recommended to the City Council to be part of the ethics package for the interest class.

Member Matsuda stated that she did not agree with Member Payne that the education of the voter should be the first task, because the Mayor directed the Committee to develop a candidate package first. She noted that the voter awareness package could be recommended to the City Council as a companion component to the candidate's package.

Member Payne agreed that the Committee should start with item 1 for the candidate's package on the Mayor's list, but stated that voter education was still a necessary part of the ethics package.

Member Gottshall-Sayed agreed that the candidate's package should be done first, as the Mayor had directed.

In response to a question from Member Montoya, City Clerk Herbers stated that the booklet "Win the Right Way" was copyrighted material and she couldn't change it, but that the committee could obtain the license to use that material. She added that she could also order copies of material from the Institute for Local Government for the Committee to reference.

Member Montoya noted that he thought there were two ways to develop the candidate's package: supplement the existing candidate training package or create a new package.

Member Matsuda stated that she felt that ethics was already a big part of the existing candidate's training package, but she would ask City Clerk Herbers and others, such as the League of Women Voters, which material they would include in a one hour

interest class. She added that she thought that there was sufficient existing material to use.

Staff Liaison Lohnes noted that the Committee could, as they develop the candidate's curriculum, also determine a budget, which could be presented along with the package to the City Council.

In response to a question from Chairman Montoya, Deputy City Attorney Strader stated that the Mayor and the City Council preferred that the Committee not meet in subcommittees.

Chairman Montoya suggested that the Committee Members, review the information in the City Clerk's educational package and return to the next meeting with suggestions on which documents to include or new documents that needed to be added to the package.

Member Gottshall-Sayed proposed that the Committee adopt the City's Clerk educational package and present the package to the City Council with the training component, supplementing the package if necessary.

Staff Liaison Lohnes suggested that the Committee use a workshop environment to develop the Committee's ethical policy statements. She outlined examples and noted that the members could return to the next meeting with items and elements that they would like to see on the policy statements.

Staff Liaison Lohnes noted that the committee might like to review all the material they have received from other cities' policies as well and committed to send member Gottshall-Sayed the disk with the material from the City Clerk by the end of the week.

Member Matsuda asked for clarification as to the assignment for the next meeting. She stated that she would like to have a list from City Clerk Herbers as to which information she would include in a one hour interest class.

City Clerk Herbers suggested that the Committee might want to include additional material on ethics in the binder for the upcoming Commissioner's training, as well as develop a training program that could be presented at the Library.

City Clerk Herbers stated that it might be two weeks before she would be able to distribute a list of information to include in a one hour interest class, but that she would apply for licenses for reference documents of interest to the Committee.

In response to a question from Member Payne, Deputy City Attorney Strader stated that the ordinance that prohibited city employees from serving as commissioners needed to go back to Council as a formal item and the ordinance on the gift policy was going to be combined with the ordinance on the conflict of interest and go back to Council at the end of September, at the earliest.

City Clerk Herbers stated that the ordinances, once passed, would go into the training packet.

In response to a question from Member Matsuda, Deputy City Attorney Strader stated that in order to make the change to require all employees and council members to file the Form 700, the conflict of interest code needed to be updated.

Chairman Montoya reviewed the assignments for the next meeting:

- develop or suggest elements for policy statements,
- review the documents that the Committee had received, and
- look for gaps or missing documents.

The Committee concurred that the next meeting would be in workshop format and take the first item on the Mayor's agenda and break it down to separate items, with members doing their own research at home before the next meeting, using the information provided by the City Clerk at tonight's meeting, any potential information provided by the City Clerk to staff and forwarded to the Committee and any other information deemed necessary.

It was decided that the members would bring their information with them to the next meeting and not provide it beforehand to Staff Liaison Lohnes.

In response to a question from Member Gottshall-Sayed, Staff Liaison Lohnes stated that the scenarios from the Blue Ribbon Committee were on page 13 of the book that was given to the Committee at the first meeting.

There was a discussion of items 2 through 5 on the directive from the joint meeting of May 25, 2010. The Committee concurred that they would be able to complete items 1 and 2 within a twelve month period.

In response to a question from Member Matsuda, City Clerk Herbers suggested that the Committee might want to develop more of their program before inviting the League of Women Voters. ,

5. **Discuss and Consider the Necessity of having Portions of the Joint Meeting between the City Council and the Ethics and Integrity Committee Transcribed**

MOTION: Member Gottshall moved to dispense with the necessity of having portions of the joint meeting between the City Council and the Ethics and Integrity Committee transcribed. The motion was seconded by Member Payne and passed by unanimous roll call vote.

Ayes:	Gottshall-Sayed, Matsuda, Payne and Chairman Montoya
Noes:	None
Abstain:	None
Absent:	None

Member Matsuda offered the Committee's apology to City Clerk Herbers for the item, which required her to remain at the meeting.

ORAL COMMUNICATIONS #2

City Clerk Herbers stated that the former recording secretary had expressed an apology to the Committee.

City Clerk asked the Committee's help in the capturing of the minutes by: limiting side conversations, clearly stating the action at the end of a discussion, being recognized by and speaking to the Chair and recapping statements for the record. She noted that it could be possible in the future that the Committee's minutes would become action minutes, with only motions and vote outcomes recorded, rather than conversations.

City Clerk Herbers thanked the Committee for having her at the meeting.

Chairman Montoya stated that he was sorry that Member Gallagher had resigned as he was a great member of the team and his ideas and philosophy will be missed.

Chairman Montoya thanked Member Payne for his service as Chairman and for a job well done.

Member Gottshall-Sayed also thanked Member Payne for his service as Chair.

Staff Liaison Lohnes stated that the vacancy on the Committee had not be addressed at the City Council meeting and she was unsure when it would be addressed, but hoped to have more information by the next meeting.

Staff Liaison Lohnes stated that at the August 10 City Council meeting she would have an item on the consent calendar for the training report from the last meeting. She stated that she would attend the meeting in case there were any questions and that the Members were welcomed to attend the meeting. She stated that she would send the City Council agenda to the members so that they could review the item.

Staff Liaison Lohnes noted that the City Manager had been sending out a great deal of information on ethics recently, including ethics quizzes which she shared.

ADJOURNMENT

At 9:55 p.m., there being no further business, Chairman Montoya adjourned the meeting to Wednesday, August 25, 2010 at 6:30 p.m. in the West Annex Commission meeting room.

Approved as Submitted September 22, 2010 s/ Sue Herbers, City Clerk
